

Applicant: Donald L. Schilling
Application No.: 10/073,796

REMARKS

In the office action claims 1-7, 10-17 and 20 were rejected under 35 U.S.C. §103 as being anticipated by U.S. Patent No. 4,965,821 (Bishop et al.) in view of U.S. Patent No. 4,277,837 (Stuckert). Claims 8, 9, 18 and 19 were rejected under 35 U.S.C. §103 as being unpatentable over Bishop/Stuckert in view of U.S. Patent No. 5,046,125 (Takizawa).

As the Examiner concedes, Bishop does not disclose completing a monetary transaction with a wireless telephone call without user intervention. Furthermore, Stuckert discloses significant user intervention with a device to conduct a monetary transaction. Accordingly, both of these references disclose interaction by the users to complete these transactions.

The Examiner appears to be of the opinion that the human interaction in Bishop can simply be dropped if it is not desired or required. However, the human intervention in Bishop and for that matter Stuckert, is essential. Accordingly, a missing essential elements from Bishop would not be an obvious design variant.

Bishop actually discloses using cellular telephones to facilitate rental of a car. The financial transaction performed in Bishop is actually still performed by the cellular phone user and clearly, not without user intervention as recited in the

inserting a card into a cell phone. Based on the information on the card, a credit

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check is performed on the individual. The credit check is performed, the user provides information to facilitate the financial transaction, see column 10, lines 8-26. After this information is verified, the user is required to provide a drivers license and drive up to a booth to receive a written contract, see column 10, lines 56-65. At this point the user drives up to the booth and signs the written contract. Essentially, the user signing the contract is the financial transaction and not the preliminary credit check. Accordingly, Bishop does not disclose making a financial transaction using a wireless telephone call. Bishop actually discloses using a telephone to ease the rental car procedure, since the transaction is not completed until the financial transaction is actually made by executing the contract.

Reconsideration and entry of this amendment is respectfully requested.

Respectfully submitted,

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